

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

Civil Action  
No. 05 11395 RCL

PATRICIA BERGEVINE,  
Plaintiff

v.

PEASE & CURREN, INC., PEASE &  
CURREN MATERIALS, INC., FRANCIS H.  
CURREN, III A/K/A KIP CURREN, AND  
MEREDITH CURREN  
Defendants

**DEFENDANTS' PROPOSED SCHEDULING ORDER**

On or about October 6, 2005, defendants Pease & Curren, Inc., Pease & Curren Materials, Inc., Francis H. Curren, III, a/k/a Kip Curren, and Meredith Curran ("defendants") filed a motion with the Court requesting that the scheduling conference in this matter, currently scheduled for October 17, 2005, be continued. To our knowledge, there has been no ruling made on that motion. Accordingly, defendants submit this proposed scheduling order.

**1. Summary of Position Asserted by Defendants**

Defendants deny plaintiff's claims. Plaintiff alleges that defendants falsely undercalculated the weights and percentage of metals recovered on the accounts that she worked in order to defraud her, defendants' clients and defendants' employee. These allegations are untrue. While the plaintiff attempted to wrongfully use a false criminal complaint in support of her civil case, no charges have been brought against any defendant, although that investigation was caused by the plaintiff to commence over 18 months ago. The defendants are considering bringing counterclaim for malicious prosecution, defamation and abuse of process. All weights of metals

recovered on plaintiff's accounts were done accurately and properly and plaintiff was paid in full for those accounts. The plaintiff is upon information and belief, bringing this action in bad faith as the plaintiff left the employ of the defendant to work for the defendants' competitor. In addition the plaintiff is misstating the agreed upon methodology for determining compensation to the plaintiff and/or the customer. Defendants deny that they owe plaintiff any money and contend that each of plaintiff's claims are without merit.

## **2. Defendants' Proposed Discovery Plan**

- |                                      |  |
|--------------------------------------|--|
| <b>a. Initial Disclosures:</b>       | December 1, 2005   |
| <b>b. Written Discovery Cut-off:</b> | March 1, 2006<br>No more than thirty (30) interrogatories per side.<br>Nor more than thirty (30) requests for production of documents. |
| <b>c. Deposition Deadlines:</b>      |  |
| <b>i. Fact Witnesses</b>             | June, 1, 2006<br><br>No more than ten (10) depositions per side without Court approval.  |
| <b>ii. Expert Witnesses</b>          | July 15, 2006  |

## **3. Defendants' Proposed Schedule for Filing Motions**

<b>Dispositive Motion Deadline:</b>	<b>August 15, 2006</b>
-------------------------------------	------------------------

## **4. Certification Signed by Counsel and Parties**

Defendants and their counsel hereby certify that counsel and an authorized representative of the defendants have conferred and discussed:

- a. establishing a budget for the cost of conducting the full course-and various alternative courses-of the litigation;
- b. considering the resolution of the litigation through the use of alternative dispute resolution

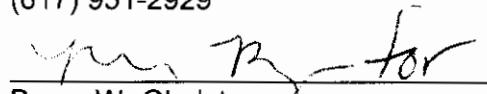
programs such as those outlined in Local Rule 16.4.

Respectfully submitted,

Defendants,  
By their Attorneys,



Joseph H. Aronson, BBO # 022070  
Laura Ryan, BBO # 653793  
McCORMACK & EPSTEIN  
One International Place  
Boston, MA 02110  
(617) 951-2929



Bruce W. Gladstone  
Cameron & Mittleman  
56 Exchange Terrace  
Providence, RI  
(401) 331-5700